

SDMS DocID 2008923

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

NOV 25 2003

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Peter R. Isen  
Enterprise Paper Company  
256 Abrahams Lane  
Villanova, PA 19085

**Re: Overdue Response to Information Request-  
Lower Darby Creek Area Site - Clearview Landfill, Folcroft Landfill, and  
Folcroft Landfill Annex**

Dear Mr. Isen:

On October 26, 2002, the U.S. Environmental Protection Agency ("EPA") issued a letter (copy of which is enclosed) to you requiring the provision of information and/or documents relating to the above-referenced Site, pursuant to Section 104(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, ("CERCLA"), 42 U.S.C. § 9604(e)(2) ("Information Request"). Your response was due within **fifteen (15) calendar days** of your receipt of the Information Request. The enclosed copy of the return receipt indicates that you received the Information Request on November 30, 2002. Accordingly, your response and all supporting information was due on or before **December 15, 2002**.

You must provide all requested documents as well as a separate and complete narrative response to each and every question contained in EPA's October 26, 2002, Information Request within **seven (7) calendar days** of your receipt of this letter. This seven day period, however, is not to be construed as an extension of the original deadline and does not excuse any violation for failure to respond to the initial Information Request.

**NOTICE OF POTENTIAL ENFORCEMENT ACTION**

EPA hereby advises you that your failure to respond fully and truthfully to each question, or to justify adequately your failure to respond, may subject you to an enforcement action by EPA, pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). This section authorizes EPA to issue an order directing compliance with an information request made under the statute "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances." This letter constitutes such notice.



In addition, Section 104(e)(5)(B) of CERCLA, 42 U.S.C. § 9604(e)(5)(B), allows EPA to seek judicial enforcement of an information request and authorizes the federal district courts to assess a civil penalty not to exceed \$27,500 for each day of non-compliance. In recent decisions, courts have assessed significant penalties against parties which had not complied with EPA information requests.

All documents and information should be submitted to:

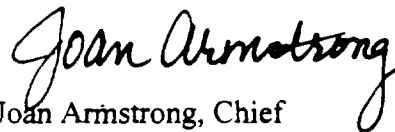
Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

Be advised that the provision of false, fictitious or fraudulent statements or representations may subject you to criminal sanctions under 18 U.S.C. § 1001.

If you have any questions concerning this matter, please contact Ms. Prisk at (215) 814-2625. Questions of a legal nature may be addressed to Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501, et seq.

Sincerely,

A handwritten signature in black ink that reads "Joan Armstrong". The signature is written in a cursive, flowing style.

Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosure

cc: Brian Nishitani (3RC44)  
Craig Olewiler (PADEP- Harrisburg)  
April Flipse (PADEP - Conshohocken)

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7001 1140 0001 1045 1404

[Redacted Address Line]

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

<b>Sent To</b> PETER R. ISEN	
ENTERPRISE PAPER COMPANY	
Street, Apt. No.; or PO Box No. 256 ABRAHAMS LANE	
City, State, ZIP+ 4 VILLANOVA, PA. 19085	

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Enterprise Paper Company  
c/o Peter R. Isen  
265 Abrahams Lane  
Villanova, PA 19085

2. Article Number

(Transfer from service label)

7061-1140-0001-1045-0667

PS Form 3811, August 2001

Domestic Return Receipt

102385-01-44-2508

A. Signature

X Elizabeth Roman ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11/30/02

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

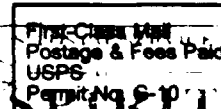
3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



• Sender: Please print your name, address, and ZIP+4 in this box •

Carlyn Prisk (3HS11)  
U.S. Environmental Protection Agency  
1650 Arch Street  
Phila. PA 19103

DEC 03 2002

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45-4452

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

OCT 20 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Enterprise Paper Company**  
**c/o Peter R. Isen**  
**265 Abrahams Lane**  
**Villanova, PA 19085**

**Re: Required Submission of Information**  
**Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and**  
**Folcroft Landfill Annex**

Dear Mr. Isen:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A).

EPA has reason to believe that wastes generated at locations owned or operated by Enterprise Paper Company may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require you, to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

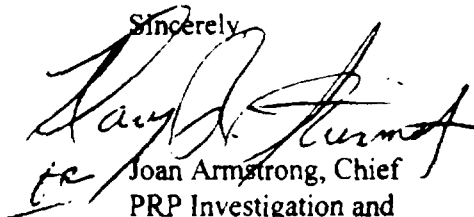
If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,  
  
Joan Armstrong, Chief  
PRP Investigation and  
Site Information Section

Enclosures:      Enclosure A: Lower Darby Creek Area Site Map  
                     Enclosure B: Business Confidentiality Claims/Disclosure of Your Response  
   to EPA Contractors and Grantees  
                     Enclosure C: List of Contractors that May Review Your Response  
                     Enclosure D: Definitions  
                     Enclosure E: Instructions  
                     Enclosure F: Questions

cc:      Brian Nishitani (3RC44)  
            Kristine Matzko (3HS21)  
            Craig Olewiler (PADEP Harrisburg)  
            April Flipse (PADEP Conshohocken)

Enclosure A





## Enclosure B

### **Business Confidentiality Claims**

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

### **Disclosure of Your Response to EPA Contractors and Grantees**

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

**List of Contractors that May Review Your Response**

- Daston Corporation -  
Contract #68-S3-01-01  
Subcontractor to Daston Corporation is:  
Dynamac Corporation
- Tetra Tech EM, Inc. -  
Contract #68-S3-0002  
Subcontractor to Tetra Tech EM, Inc. is  
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -  
Contract #68-S3-001  
Subcontractor to Ecology and  
Environment, Inc. is:  
S & S Engineers, Inc.
- Resource Applications, Inc. -  
Contract #68-S3-003  
Subcontracts to Resource Applications,  
Inc. are:  
C.C. Johnson & Malhotra, Inc.  
Scientific & Environment Associates,  
Inc.  
Environmental Quality Management,  
Inc.
- IT Corporation - Contract #68-S#-00-06  
Subcontracts to IT Corporation are:  
Weavertown Environmental Group  
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07  
Subcontractors to Earth Tech, Inc. are:  
Industrial Marine Services, Inc.  
Cline Oil  
Hertz Equipment Rental
- Guardian Environmental Services, Inc.  
Contract #68-S3-99-04
- ECG Industries, Inc. -  
Contract #68-S3-99-05  
Subcontractor to ECG Industries, Inc. is:  
Earth Tech, Inc.
- Industrial Marine Services, Inc. -  
Contract #68-S3-99-06  
Subcontractors to Industrial Marine  
Services, Inc. are:  
Earth Tech, Inc.  
Engineering and Environment, Inc.
- Tetra Tech NUS, Inc. -  
Contract #68-S6-3003  
Subcontractors to Tetra Tech NUS, Inc.  
are:  
Gannett Flemming, Inc.  
Dynamac Corporation  
C.C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -  
Contract #68-S7-3003  
Subcontractors to CDM-Federal  
Programs Corporation are:  
Tetra Tech EM, Inc.  
Robert Kimball & Associates  
PMA & Associates  
Horne Engineering  
Pacific Environmental Services
- Black and Veatch Waste Science and  
Technology Corporation/Tetra Tech, Inc.  
Contract #68-S7-3002
- Universe Technologies -  
Contract #68-S3-99-02
- Tech Law, Inc.- Contract #68-W-00-108  
Subcontractor to Tech Law, Inc. is:  
Gannett Flemming, Inc.

**List of Cooperative Agreements**

- National Association of Hispanic Elderly  
- #CQ-822511
- AARP Foundation (Senior  
Environmental Employment)  
- #824021, #823952

## Enclosure D

### **Definitions**

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

**Instructions**

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

**QUESTIONS**

1. State the mailing address and telephone number of Enterprise Paper Company. Further identify:
  - a. The dates and states of incorporation of Enterprise Paper Company;
  - b. The date and original state of incorporation of Enterprise Paper Company; and
  - c. The parent corporation of Enterprise Paper Company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted by Enterprise Paper Company in the Philadelphia, Pennsylvania area? What was the nature of its business or activity between 1958 and 1976? Please describe in detail. If the nature of its business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by Enterprise Paper Company who have or may have personal knowledge of its operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of Enterprise Paper Company's facility(ies) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
  - a. The dates of their operation;
  - b. The nature of their operation; and
  - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by Enterprise Paper Company in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
  - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
  - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at Enterprise Paper Company in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
  - a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by Enterprise Paper Company in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
  - a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
  - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
  - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did you (Peter R. Isen) or Enterprise Paper Company ever contract with, or make arrangements with any of the following entities, for the removal or disposal of waste from your/its facilities/establishments in the Philadelphia area between 1958 and 1976:
- a. Folcroft Landfill Corporation;
  - b. Bernie McNichol;
  - c. Edward Mullin;
  - d. Clearview Land Development Corporation;
  - e. Edward or Richard Heller;
  - f. Tri-County Hauling;
  - g. Eastern Industrial Corporation;
  - h. Marvin Jonas or Jonas Waste Removal;
  - i. Bernard McHugh or McHugh Trash Company;
  - j. S. Buckly (ey) Trash Hauling;
  - k. City Wide Services, Inc.;
  - l. Gene Banta of Gene Banta Trash Removal;
  - m. Schiavo Brothers;
  - n. Charles Crumley or Crumley Waste;
  - o. Harman or Harway Trash;
  - p. Oil Tank Lines;
  - q. Paolino Company;
  - r. Charles Crawley Waste Hauling;
  - s. Ed Lafferty and Son;
  - t. Bazzarie Trash Company;
  - u. Sparky Barnhouse or ABM Disposal Services Company; and
  - v. Any other individual, company, or municipality.
9. For each of the above identified entities with whom you or Enterprise Paper Company contracted or made arrangements with for waste removal and/or disposal, please identify the following:
- a. The person with whom you/it made such a contract or arrangement;



- b. The date(s) on which or time period during which such material was removed or transported for disposal;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom you/Enterprise Paper Company dealt concerning removal or transportation of such material; and
  - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your/Enterprise Paper Company's possession regarding arrangements made to remove or transport such material.
10. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:
- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
  - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
11. For every instance in which Enterprise Paper Company disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;

- d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your or Enterprise Paper Company's possession regarding arrangements made to dispose of or treat such material at the Site.
12. Did Enterprise Paper Company, or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
  - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
  - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
  - d. The packaging, transportation, and final disposition of the materials which were spilled/released.
13. Please identify individuals employed by Enterprise Paper Company who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area facility(ies) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
14. Did you, Enterprise Paper Company, or any person or entity on your/its behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
15. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. Enterprise Paper Company's document retention policy;
  - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
  - c. A description of the type of information that would have been contained in the documents; and
  - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

**UNISOURCE WORLDWIDE, INC.'S RESPONSE TO  
U.S. EPA, REGION III SUBMISSION OF INFORMATION  
RE: LOWER DARBY CREEK AREA SUPERFUND SITE  
DELAWARE AND PHILADELPHIA COUNTIES, PENNSYLVANIA**

1. State the name of your company, its mailing address, and telephone number. Further identify:
  - a. The dates and states of incorporation of your company;
  - b. The date and original state of incorporation of your company; and
  - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.

**ANSWER:** Unisource Worldwide, Inc.  
6600 Governor's Lake Parkway  
Norcross, GA 30071  
770/447.9000

- a. See Attachment A for a complete listing of dates and states of incorporation.
  - b. 08/28/1975 - Delaware
  - d. Georgia-Pacific Corporation - See Attachment B for a list of Georgia-Pacific's subsidiaries.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

**ANSWER:** Unisource Worldwide, Inc. ("Unisource") is responding to the request for information in reference to Enterprise Paper Company. On January 13, 1995, Unisource purchased the name, business operations and certain operating assets of Enterprise Paper Company ("Enterprise") from then owner Peter R. Isen. Operating assets included, among other things, equipment, machinery, inventory/supplies, customer and sales account lists and furniture; however, the purchase did not include any of Enterprise's real property, such as land or buildings.

As of January 1, 1995, Enterprise consisted of a one building facility located at 2900 Wharton Road in Bristol, Pennsylvania. Per the asset purchase agreement, Unisource arranged to lease the Bristol facility from Mr. Isen for a minimum of three years, with an

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option to extend the lease for an additional two years only; however, it is Unisource's understanding that the lease extension was never exercised. Indeed, Unisource vacated the premises approximately one year into the initial three-year lease term. It is believed that during both Enterprise's tenure and Unisource's brief lease, the facility functioned as a paper distribution center. The products distributed by Unisource included paper towels, tissue, tape, stretch film and low and high-density polyethylene bags for food packaging. This business was strictly of a distributive nature; no manufacturing processes occurred at the facility.

Per the Asset Purchase and Sale Agreement, Unisource acquired only express transferred assets, without assumption of liabilities. Specifically, Unisource agreed to assume only those liabilities "arising out of the conduct or operation of the Company's Business after the Effective Date [of the agreement] (but none of the Company's liabilities or obligations which occurred prior to Closing, but which only surfaced subsequent to Closing)". Additionally, Isen agreed to "defend, indemnify and hold harmless [Unisource], its parent corporation, and the officers and directors of each, from and against all losses, claims, demands, causes of action, deficiencies, suits, judgments, debts, liabilities, damages and expenses arising from...the operation of the Company's Business prior to the Effective Date." (See Attachment C - Asset Purchase and Sale Agreement.) Per the Lease Agreement, Isen further agreed to provide "indemnification for any and all liability of [Unisource]" under CERCLA and/or the applicable state statute or regulation. He also agreed to indemnify Unisource for "all liability, including fines and penalties, incurred under any other federal or state environmental statute". (See Attachment D - Lease Agreement.)

With respect to Enterprise's ownership, it is Unisource's understanding that Enterprise was started by Nathan Isen, grandfather of Peter Isen, perhaps in the 1940s, and that Peter Isen subsequently purchased the business from his family in approximately 1988. It is believed that the first Enterprise facility was located in Center City Philadelphia. Apparently, the business then moved to northeast Philadelphia, specifically 11630 Caroline Road. Enterprise occupied that location for approximately 30 years, before purchasing the facility in Bristol sometime around 1992. Unisource leased the facility from Peter Isen from January 1, 1995 until December 31, 1997, though it only physically occupied the premises for approximately one year.

It should be noted that Unisource currently operates a distribution center located at 7575 Brewster Avenue in Philadelphia; however, it is Unisource's understanding that construction on this facility did not begin until 1975, with operations commencing sometime thereafter. Consequently, it appears this facility falls outside the scope of the operation period associated with the Lower Darby Creek Area Superfund Site ("the Site").

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not

available, provide the last known telephone number or last known address of such person.

**ANSWER:** Peter R. Isen – owner of Enterprise Paper Company  
2007 Beach Terrace  
Longport, NJ 08403  
609/822.5000  
(It is our understanding that Mr. Isen maintains another residence in Ardmore, PA)

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to present. For each owner and operator further provide:
  - a. The dates of their operation;
  - b. The nature of their operation; and
  - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

**ANSWER:** As stated in Response to Request No. 2 above, it is Unisource's understanding that Enterprise was started by Nathan Isen, grandfather of Peter Isen, perhaps in the 1940s. Furthermore, we believe that Peter Isen subsequently purchased the business from his family in approximately 1988. Unisource leased the facility from Peter Isen from January 1, 1995 until December 31, 1997, though it only physically occupied the premises for approximately one year. We have no additional information regarding previous or current owners or operators of the facility. During Unisource's operation from approximately 1995 to 1996, the facility served only as a distribution center for paper towels, tissue, tape, stretch film and polyethylene bags for food packaging. The only waste generated by Unisource was innocuous in nature, consisting of corrugated boxes, stretch film, strapping and general office trash. To the best of its knowledge, Unisource has no information regarding Enterprise's transportation to or storage, treatment or disposal of any material at the Site during the time period in question.

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.
  - a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;

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- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such waste.

ANSWER: Because Unisource never owned the facility outright, there are few records available pertaining to this facility; however, a thorough, corporate-wide document search was conducted. Other than the materials referenced in Response to Request No. 2 above, no additional documents were located.

6. Identify every hazardous substance used, generated, purchased, stored or otherwise handled at your establishment(s) in Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid or gas) of each such hazardous substance;
  - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise substance;
  - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
  - e. The types and sizes of containers in which these substances were transported and stored; and
  - f. The persons or companies that supplied each such hazardous substance to your company.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding any hazardous substance(s) used, generated, purchased, stored or otherwise handled at the Enterprise facility between 1958 and 1976.

7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such-by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
  - b. The chemical composition, characteristics, and physical state (solid, liquid or gas) of each such by-product or waste;

- c. The quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
- f. The location and method of treatment and/or disposal of each such by-product or waste.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding any by-products and/or wastes generated, stored, transported, treated, disposed of, released, or otherwise handled at or by the Enterprise facility between 1958 and 1976.

- 8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckley Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc., Gene Banta Trash removal, City Wide Services, Inc., and/or any other company or municipality to remove or transport material from our establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
  - a. The person with who you made such a contract or agreement;
  - b. The date(s) on which or time period during which such material was removed or transported for disposal;
  - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - d. The annual quantity (number of loads, gallons, drums) of such material;
  - e. The manner in which such material was containerized for shipment or disposal;
  - f. The location to which such material was transported for disposal;
  - g. The person(s) who selected the location to which such material was transported for disposal;
  - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and



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- i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding Enterprise contracting or making arrangements with any of the business entities listed in Request No. 8 during the time period referenced.

9. Provide the names, titles, areas of responsibility, addresses and telephone numbers of all persons who, between 1958 and 1976, may have:
  - a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other area of the Site;
  - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
  - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding Enterprise personnel who may have disposed of, treated, or arranged for the disposal, treatment or transportation of materials to the Site between 1958 and 1976.

10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
  - a. Date(s) on which such material was disposed of or treated at the Site;
  - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
  - c. The annual quantity (number of loads, gallons, drums) of such material;
  - d. The specific location on the Site where such material was disposed of or treated; and
  - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding Enterprise's disposal or treatment of material at the Site.

11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:

- a. The date(s) the spill(s)/release(s) occurred;
- b. The composition (i.e.; chemical analysis) of the materials which were spilled/released;
- c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
- d. The packaging, transportation, and final disposition of the materials which were spilled/released.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding spills or releases at the Site.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding Enterprise personnel who may have arranged for the removal and disposal of wastes, or were responsible for payments, payment approvals and record-keeping, at the Enterprise facility between 1958 and 1976.

13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

ANSWER: To the best of its knowledge and belief, Unisource has no information or data regarding environmental assessments or investigations conducted on the Site.

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have

contributed to the contamination at the Site or may have information regarding the Site.

ANSWER: Other than Peter Isen, referenced in Response to Request No. 3 above, Unisource has no information regarding other parties who may be able to assist the EPA in its investigation of the Site.

**15. Representative of your establishment(s):**

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

ANSWER: Teri A. Wall  
Environmental Specialist  
Georgia-Pacific Corporation  
133 Peachtree Street, NE  
Atlanta, GA 30303  
404/652.4162  
\*(Please direct all future correspondence to Ms. Wall's attention)

Cliff J. Demarest  
Vice President - Customer Service Center (Sales Administration)  
Unisource Worldwide, Inc.  
100 Helmsford Way  
Windsor, CT 06095-0740  
860/298.3200

Jeff B. Forrest  
Director - Facilities Management  
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Columbus, OH 43219  
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Denis M. Padovani  
Senior Environmental Engineer - Unisource  
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133 Peachtree Street, NE  
Atlanta, GA 30303  
404/652.5397

Kitty S. Pinson  
Paralegal - Unisource  
Georgia-Pacific Corporation  
133 Peachtree Street, NE  
Atlanta, GA 30303  
404/652.5520

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;
- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
- c. A description of the type of information that would have been contained in the documents; and
- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

ANSWER: As stated in Response to Request No. 5 above, Unisource conducted a thorough, corporate-wide document search. Other than the materials referenced in Response to Request No. 2, no other records were located. It is Unisource's understanding that certain files pertaining to the Bristol facility were retained after the lapse of Unisource's lease on December 31, 1997. Unisource maintained those records until Georgia-Pacific Corporation ("Georgia-Pacific") purchased Unisource on July 6, 1999. Shortly thereafter, per Georgia-Pacific's record retention policy, the documents were purged. Unisource encloses, as Attachment E, a copy of Georgia-Pacific's record retention policy.

  
Jeff A. Wall  
Environmental Specialist  
Georgia-Pacific Corporation  
07/31/2002  
Date

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Villanova, PA 19085

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